

Docket No. 0575/49034-AA-PCT-US/JPW/AJM/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ira Tabas, Scott L. Schissel and Kevin Jon Williams
 Serial No. : 10/646,412 Examiner: C. Tate
 Filed : August 22, 2003 Group Art Unit: 1654
 For : Method for Treating a Subject Suffering from Conditions
Associated with an Extracellular Zinc Sphingomyelinase

Mail Stop Amendment
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Date: December 30, 2004

Sir:

Transmitted herewith is an amendment to the above-identified application.

X Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

 A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For ¹	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	7 -	* 20 =	*** 0 X	\$25	\$50	=	0	
Independent Claims	7 -	** 7 =	*** 0 X	\$100	\$200	=	0	
Multiple Dependent Claim(s) Presented For First Time <u> </u> Yes <u>X</u> No				\$180	\$360	=	0	
				TOTAL ADDITIONAL FEE			\$ 0	

- ¹ The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.
- * If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
 - ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
 - *** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

Applicant(s): Ira Tabas, et al.
Serial No. : 10/646,412
Filed : August 22, 2003
Amendment Transmittal Letter
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The following are also enclosed:

- ☒ Two copies of this Amendment Transmittal Letter
☒ Return Receipt Postcard
☐ An Information Disclosure Statement, including Form PTO-1449
(Copies of citations included: Yes _____ No _____
and a fee of \$ _____ included)
☐ A Petition for an Extension of Time, including a fee of
\$ _____ for a Petition for _____ Month(s) Extension of Time
☐ Other (identify): _____

THE TOTAL FEE DUE IS \$ 0.

- ☐ A check in the amount of \$ _____ is enclosed.
☐ Please charge Deposit Account No. _____ in the amount of
\$ _____.

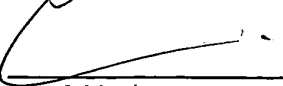
☒ The Commissioner is hereby authorized to charge any additional fees
required or credit any overpayment to Deposit Account No. 03-3125
as follows:

- ☒ Fees under 37 C.F.R. \$1.16 for the presentation of extra claims
☒ Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,

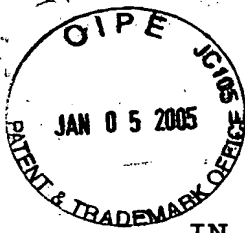


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Alan J. Morrison
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12/30/04
Date

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IFW

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ira Tabas et al.
Serial No. : 10/646,412
Filing Date : August 22, 2003
For : METHOD FOR TREATING A SUBJECT SUFFERING FROM
CONDITIONS ASSOCIATED WITH AN EXTRACELLULAR
ZINC SPHINGOMYELINASE

1185 Avenue of the Americas
New York, New York 10036
December 30, 2004

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**AMENDMENT IN RESPONSE TO DECEMBER 2, 2004
NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. 1.121)**

This Amendment is submitted in response to a January 24, 2002 Notice of Non-Compliant Amendment (37 C.F.R. 1.121) issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as Exhibit A. The Notice provides a one-month period for filing a response. Therefore, a response to the December 2, 2004 Notice is due January 2, 2005. Accordingly, this Amendment is being timely filed.

Please amend the subject application as follows: